

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TERRY DEAN ANDERSON, JR.	§	
	§	
VS.	§	CIVIL ACTION NO. 4:22cv780
	§	
UNITED STATES OF AMERICA	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (Dkt. #6) concluding that the petition for writ of habeas corpus should be dismissed without prejudice to Petitioner's ability to raise his claims within his pending criminal case and any subsequent challenges to it. Petitioner filed objections. (Dkt. #7).

In the objections, Petitioner asserts that the federal courts lack subject matter jurisdiction. (Dkt. #7). Specifically, he argues that his "alleged conduct sets beyond the reach of the federal courts" because it occurred at "302 W. Military Hwy, Bracketville, Texas 78832, in the state of Texas which is not a federal enclave for the purpose of invoking the subject-matter jurisdiction of the federal courts." (Dkt. #7, p. 3). Petitioner does not address the findings and conclusions of the Magistrate Judge that Petitioner's challenges are available to be raised in his criminal proceeding pending in the Western District of Texas, Del Rio Division, or any subsequent appeal or collateral challenge. In sum, Petitioner's objections are not responsive to the Magistrate Judge's recommendation that the petition for writ of habeas corpus should be dismissed without prejudice to Petitioner's ability to raise his claims within his pending criminal case and any subsequent challenges to it.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** the petition for a writ of habeas corpus is **DISMISSED** without prejudice.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 18th day of August, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE